

**Notice of Allowability**

Application No.

10/662,142

Examiner

Brian R. Gordon

Applicant(s)

BYSOUTH ET AL.

Art Unit

1743

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9-7-07.
2. ☒ The allowed claim(s) is/are 1 and 3-10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|  | 9. <input type="checkbox"/> Other _____   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William Teoli on September 18, 2007.

The application has been amended as follows:

Amend the claims as follows:

(Currently amended) A modular robotic system comprising:

a rack and vial storage system for storing therein a plurality of racks and vials;

a consumables storage system for storing materials;

a first, second and third location;

a first robotic arm for transferring said vials from a said first location to a said second location, or for transferring said racks from said first location to said second location;

a dispensing, pipetting or characterization station or solid dispensing station for dispensing active Ingredients, water, or additives to said vials to yield a formulation, wherein said first robotic arm transfers materials from said consumables storage system to said dispensing, pipetting, or characterization station or to said solid dispensing station; a mixing or homogenizing station for mixing or homogenizing said, formulation to yield a mixture;

a phase stability station for phase analysis of said mixture;

optionally a liquids, suspensions, gels or meltables station and

optionally a capping, decapping, bar-code reading or cap-supply station;

wherein said first location is

said rack and vial storage system,

said dispensing, pipetting or characterization station,

said mixing or homogenizing station, or

said phase stability station; and

wherein said second location

said rack and vial storage system,

said dispensing, pipetting or characterization station,

said mixing, or

said phase stability station; and

a flexible second robotic arm, wherein said flexible second robotic arm transfers said racks or said vials from said first robotic arm to a said third location upon said modular robotic system where said third location is

said capping or decapping or bar-code reading or cap-supply station;

said rack and vial storage system,

said dispensing, pipetting or characterization station,

said mixing or homogenizing station,

said phase stability station,

said solid dispensing station or

said liquids, suspensions, gels or meltables station.

5. (Currently amended) A modular robotic system comprising:

a rack and vial storage system ~~for~~ storing therein a plurality of racks and vials;

a consumables storage system ~~for~~ storing materials;

a first, second, and third location;

a first robotic arm for transferring said vials from a said first location to a said second, or for transferring said racks from said first location to said second location;

a dispensing, pipetting or characterization station for dispensing active ingredients, water or additives to said vials;

a solid dispensing station for dispensing solids by weight into said vials, wherein said solids are active ingredients or additives;

a liquids, suspensions, gels or meltables station for dispensing viscous fluid, gels, pastes or meltables, wherein said high viscous fluids, said gels, paste and meltables are active ingredients or additives;

wherein said combination of said active ingredients, water, and additives from said dispensing, pipetting or characterization station, said solid dispensing station or said liquids, suspensions, gels or meltables station yields a formulation;

a mixing or homogenizing station for mixing or homogenizing said formulation to yield a mixture; and

a phase stability station for phase analysis of said mixture;

a flexible robotic arm station, including a flexible second robotic arm that transfers said racks from said first robotic arm to a said third location upon said modular robotic system; and

a comminution station for grinding solid particles;  
wherein said first location is;

said rack and vial storage system;

said dispensing, pipetting or characterization station;

said mixing or homogenizing station;

said phase stability station;

said solid dispensing station;

said liquids, suspensions, gels; or meltables station; or

said comminution station;

wherein said second location is:

said rack and vial storage system;

said dispensing, pipetting or characterization station;

said mixing or homogenizing station;

said phase stability station;

said solid dispensing station;

said liquids, suspensions, gels, or meltables station;

said flexible arm station; or

said comminution station; and

wherein said third location is:

said rack and vial storage system;

said dispensing, pipetting or characterization station;

said mixing station;

said phase stability station;

said solid dispensing station;

said liquids, suspensions, gels or meltables station; or

said comminution station.

***Allowable Subject Matter***

2. Claims 1 and 3-10 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Gordon whose telephone number is 571-272-1258. The examiner can normally be reached on M-F, 1st Fri. Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian R Gordon/  
Primary Examiner  
Art Unit 1743

brg

BRIAN R. GORDON  
PRIMARY EXAMINER